

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROGER YOUNG,

Petitioner,

v.

Case Number: 09-CV-11063
Honorable Victoria A. Roberts

CINDI CURTIN,

Respondent.

_____/

OPINION AND ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

This is a habeas case under 28 U.S.C. § 2254. Petitioner Roger Young, a Michigan state inmate currently incarcerated at the Oaks Correctional Facility in Manistee, Michigan, filed a *pro se* “Petition for Writ of Habeas Corpus” [dkt. # 1], claiming that he is incarcerated in violation of his constitutional rights. The Court issued an “Order to Correct Deficiency” [dkt. # 3], because Petitioner failed to submit two copies of his Petition as required by Rule 3(a), Rules Governing Section 2254 Cases. The Court required Petitioner to correct the deficiency within twenty-one (21) days and cautioned that if Petitioner failed to correct the deficiency, the Petition would be subject dismissal. The time for correcting the deficiency has elapsed and Petitioner has failed to do so.

Accordingly, **IT IS ORDERED** that the “Petition for Writ of Habeas Corpus” [dkt. # 1] is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Petitioner's 'Motion to Appoint Counsel' [dkt. # 2]
is **DISMISSED AS MOOT**.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: May 21, 2009

The undersigned certifies that a copy of this document was served on the attorneys of record and Roger Young by electronic means or U.S. Mail on May 21, 2009.

s/Carol A. Pinegar
Deputy Clerk